

## Power of Attorney (POA)

### Secure Power of Attorney

A *Secure Power of Attorney* (DOR-3020S), Exhibit F is used by the seller when the seller's lienholder is still holding the title or the original title is lost. The completed and signed *Secure POA* authorizes the purchaser to sign both the title assignment and odometer disclosure on behalf of the purchaser and seller.

### When a Secure Power of Attorney Can be Used

A secure POA may only be used when the ownership document is not present at the time of sale because:

1. A title is physically held by the lienholder.

**NOTE:** On original titles issued on or after July 1, 2003, a secure POA cannot be used unless the title has a "Mail-to" recorded on the face of the title to the lien holder or the lienholder submits a statement on their letterhead indicating the title was in their possession.

2. The seller is in the process of obtaining a duplicate title and the duplicate title application lists the purchaser as a "Mail-to" (the secure POA is used to assign the duplicate title).

Only the purchaser may be granted the secure POA designation and a *Secure POA* form can only be used on the **first** assignment of a title when an odometer disclosure is required. All other assignments must be completed on the title without the use of a secure POA. A *Secure POA* form is not required to be notarized.

The purchaser must print and sign both the seller's and purchaser's names and complete the odometer information on the title assignment. The purchaser cannot delegate this authority.

**NOTE:** In the case of a duplicate title, the sale date must be on or before the issue date. If the seller physically signs the title, a secure POA cannot be used.

A regular POA cannot be used in conjunction with a secure POA in the two instances listed below.

1. The purchaser cannot appoint the lienholder or other third party to execute the secure POA by giving them a regular POA.
2. The seller cannot appoint the lienholder or other third party to complete the *Secure POA* form.

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## General Information Regarding the Secure Power of Attorney

The secure POA may not be used when a title is being held by a lienholder because of a "floor planning" arrangement. "Floor planning" is when a lienholder holds a title as security for financing without formally filing the lien or recording a security interest on a vehicle offered for sale by a dealer.

The original secure POA must be given to any subsequent purchasers with the title. Purchasers, other than dealers, should retain the duplicate copy with their records. Dealers should submit the duplicate copy of the secure POA form and a copy of the front and back of the certificate of title with the dealer's monthly sales reports. The dealer is required by federal law to let any subsequent purchasers review the secure POA that was previously completed on a vehicle. The dealers must retain a copy for their records. If the original secure POA has been lost, the department will accept a true certified copy from the dealership.

A Missouri motor vehicle dealer may buy and sell a motor vehicle when an out-of-state secure POA accompanies the title. When an out-of-state secure POA is involved, the Missouri dealer must obtain the secure POA and the certificate of title, but will not be required to submit copies of those documents with the dealer's monthly sales report.

## Using a Secure Power of Attorney to Assign a Duplicate Title

A secure POA may be used to complete the assignment on a duplicate title because the title is not present at the time of transfer of a motor vehicle because the original title is lost, stolen, or mutilated. The duplicate title must reflect a "Mail-to" to the **purchaser** in order to use a secure POA. The procedures below must be followed in this instance:

1. An *Application for Missouri Title and License* (DOR-108) must be completed by the seller. The applicant must complete the "Notary, Dup. Title Only" area at the bottom of the application by indicating the reason a duplicate title is needed. The purchaser's name and address must be recorded in the "Mail-to" block on the application;
2. The purchaser and seller must complete the secure POA; and

## Regular Power of Attorney Form

## Obtaining a Secure Power of Attorney Form

3. When the duplicate title is received, the purchaser must make assignment on behalf of the seller and attach the secure POA to the title.

Example: An individual purchases a vehicle for which the seller is in the process of getting a duplicate title. Since a title is not available at the time of sale, the seller must complete a secure POA appointing the purchaser POA to disclose mileage and transfer ownership on the duplicate title when it is received.

**NOTE:** If the purchaser uses the secure POA to assign the duplicate title, the purchase date is the date the secure POA was completed. If the seller physically signs the duplicate title, a secure POA cannot be used. The purchase date on the duplicate title assignment must be backdated to the original purchase date. If applicable, title penalties will be based on the original/backdated purchase date.

A regular or durable POA may be used in instances where the person holding the POA is not required to complete the odometer disclosure on behalf of both the seller and purchaser. In this instance, a regular notarized POA can be used to complete the sale of a motor vehicle and the *Odometer Disclosure Statement* (DOR-3019), Exhibit P.

**NOTE:** A regular POA cannot be used in situations where the person signing for the buyer and the seller is the same person or when different persons sign for the buyer and seller but represent/work for the same entity.

A regular POA can be used to apply for a duplicate title.

Secure and regular POA forms may be obtained by writing to the Missouri Department of Revenue, Driver and Vehicle Services Bureau, P.O. Box 100, Jefferson City, Missouri 65105-0100, by calling (573) 751-4509, or e-mail to [forms@dor.mo.gov](mailto:forms@dor.mo.gov). There is no charge for POA forms ordered through the department.